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SUBJECT: COURT RULES ON AQ KHAN

REF: A. ISLAMABAD 2402
[1](#)B. ISLAMABAD 2220 (NOTAL)
[1](#)C. ISLAMABAD 1613

Classified By: Anne W. Patterson, Reasons 1.4 (b), (d)

[1](#)1. (C) Summary: The Islamabad High Court July 21 expanded AQ Khan's ability to visit friends and relatives within Pakistan but banned Khan from giving press interviews. The Court made clear that the GOP would continue to impose security restrictions on Khan. The Attorney General and the Law Minister will review this agreement July 22 and decide on any further GOP action. This will be played in the media as a popular victory for Khan, but the reality is that the GOP will continue to curtail his freedoms. The GOP kept the media leash on Khan, who had been threatening to expose complicity by Musharraf and the Army in Khan's proliferation network. Post will continue to monitor how the GOP is enforcing security restrictions on Khan. End Summary.

[1](#)2. (U) The Islamabad High Court July 21 made an announcement regarding the petition filed by AQ Khan's attorney and family (Ref A). The Court said that "Dr. AQ Khan will be allowed to meet his close relatives and friends subject to security clearance and necessary precautions taken in regard to security and safety, which is of paramount importance." The Court further said that Khan will not be allowed to "give interviews to any channel, to a news reporter from a print or electronic media in any manner whatsoever in respect of the issue of proliferation." This information is based on press reports only; Post is seeking a copy of the Court's decision.

[1](#)3. (C) Attorney General Malik Qayyum told A/DCM July 21 that this was not so much of a ruling as an agreement between the GOP and AQ Khan's lawyers. He confirmed that Khan would be free to travel within Pakistan, but with restrictions. "The permission can be withheld," said Qayyum, if Khan does not abide by the rules. Qayyum is meeting July 22 with Law Minister Naek to discuss the Court's agreement and next steps for the GOP. Information Minister Rehman told A/DCM that the GOP does not plan to issue a statement on the decision, but she emphasized that the ruling prevented him from giving press interviews. Rehman indicated that the GOP would be seeking clarification of the names of relatives and friends that Khan wished to visit. Representatives of the Strategic Plans Division (SPD) declined to comment on the Court's decision but SPD Director General LtGen (ret) Kidwai previously had cautioned DCM (Ref C) that the GOP would abide by the Court's ruling on the case.

[1](#)4. (U) Commenting to the press on Dr. Khan's status, Dr.

Khan's lawyer explained the decision provided some freedom for Khan to see friends and family. The GOP's lawyer noted the decision mandates compliance, indicating the government can charge Khan for violating any of the decision's requirements. Khan's lawyer considered the decision a victory because it recognized that Khan was being held under virtual house arrest; this provided the basis for another appeal as Khan has been pardoned and there are no legal grounds to impose house arrest.

PATTERSON